United Nations S/PV.5539

Security Council

Sixty-first year

Provisional

5539th meeting

Friday, 29 September 2006, 10 a.m.

New York

President:	Mr. Vassilakis	(Greece)
Members:	Argentina	Mr. Mayoral
	China	Mr. Liu Zhenmin
	Congo	Mr. Gayama
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Ghana	Mr. Christian
	Japan	Mr. Oshima
	Peru	Mr. Ruiz Rosas
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Burian
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Bolton

Agenda

The situation in the Middle East

Letter dated 25 September 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/760)

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06-54337 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 25 September 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/760)

The President: I should like to inform the Council that I have received letters from the representatives of Lebanon and the Syrian Arab Republic, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Ziade (Lebanon) and Mr. Ja'afari (Syrian Arab Republic) took seats at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Serge Brammertz, Commissioner of the International Independent Investigation Commission.

There being no objection, it is so decided.

I invite Mr. Brammertz to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2006/760, which contains a letter dated 25 September 2006 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the International Independent Investigation Commission.

I now give the floor to Mr. Serge Brammertz, Commissioner of the International Independent Investigation Commission.

Mr. Brammertz: I am grateful for the opportunity to present the report of the International Independent Investigation Commission (S/2006/760, annex). Like the previous reports, this report provides a snapshot of the Commission's work over the past three months and of its ongoing activities. It gives only as much detail as is possible in view of the underlying need to preserve confidentiality and investigative leads.

The reporting period was marked by the conflict in Lebanon. As a result, and in accordance with United Nations security regulations, the Commission's international personnel were required to leave Lebanon on 21 July 2006. The Commission relocated to a temporary base in Cyprus, where activities resumed almost immediately upon arrival. The gradual process of returning international personnel to Lebanon has already started.

Despite this situation, the Commission has made progress in its investigation of the killing of former Prime Minister Rafik Hariri and 22 others and in the expanded technical assistance it provides to the Lebanese authorities in the investigation of certain other crimes.

In the Hariri investigation, 20 major investigation and analysis projects are ongoing. The previous report (S/2006/375, annex) concentrated on the extensive forensic examination of the crime scene and of the blast that killed Mr. Hariri and 22 others. Over the past month, the focus has been on consolidating the results of that examination and on conducting a significant number of interviews with a view to identifying the perpetrators at all levels.

The DNA analysis conducted on the human remains found at the crime scene produced crucial results. Several of these remains appear to correspond to the person that allegedly detonated the improvised explosive device, a man in his early twenties. Further forensic tests are taking place to possibly establish the regional origin of that person; his DNA is being compared with existing DNA databases in several countries. Independent tests carried out in two separate environments earlier this year, as well as scaling explosion experiments have corroborated the findings

of the Commission with regard to the characteristics and nature of the explosion of 14 February 2005.

In its previous report, the Commission indicated that the minimum quantity of explosives used was 1,200 kilogrammes. Subject to final results, it is now estimated that the quantity of explosives used would have been closer to 1,800 kilogrammes. The Commission has also reached preliminary conclusions about a number of issues that were previously unclear. For instance, two sounds were heard by some witnesses on 14 February, while there was, according to our findings, only one explosion. There are scientific explanations for this phenomenon.

The Commission continues to investigate the modus operandi used by the perpetrators. It is examining information suggesting that Rafik Hariri was the subject of earlier surveillances and possibly of earlier attempts to kill him. It is likely that the alleged bombing team knew that electronic countermeasures were in place to protect the convoy and Rafik Hariri and that they chose a method of attack that would not be impeded by such countermeasures. The reduced security arrangements for Rafik Hariri after his resignation as Prime Minister created a number of vulnerabilities enabling the attack to be perpetrated more easily.

As a priority, the Commission is analysing and investigating the communications traffic relevant to the case and its international aspects. They demonstrate a complex network of telecommunications traffic between a number of individuals relevant to the investigation. Thanks to its communication analysis, the Commission understands better the preparatory aspects of the attack, notably of the activities and locations of the six SIM card holders alleged to have been part of the bombing team. This work remains ongoing and is one of the areas where comparative analysis with the 14 other cases is being pursued.

The Commission's strategic objectives for the coming months are to undertake approximately 50 key linkage-related interviews, collect and analyse a large amount of already identified electronic data, technical intelligence and documentation and develop its communication and further sensitive sources.

In Security Council resolution 1686 (2006), the Council expanded the Commission's mandate in relation to the technical assistance it provides to the Lebanese authorities in 14 other cases. The Commission has increased the resources it devotes to this technical assistance and has concentrated on three main areas.

The first area is in forensic investigation and analysis for each case to establish the nature and location of the explosive devices used. Forensic evidence in these cases is being compared with that of the Hariri case, for example by using common fingerprint and DNA databases.

The second area is, as already mentioned, the communications analysis. The objective is to lift, from the vast amount of communications traffic in Beirut during the period of the attacks, those numbers common to some of the attacks, and to link other relevant numbers.

The third area concerns the conduct of interviews where the interviewees can provide information on individual cases as well as on multiple cases' commonalities. As a result of the work done during the reporting period, the Commission has strengthened its preliminary conclusions that the 14 cases were not commissioned and executed by 14 disparate and unconnected persons or groups with separate motives. The Commission anticipates that further links between these cases will become evident upon further collection of information and evidence.

The Commission has continued to interact closely with the Lebanese authorities — the Government of Lebanon, the Prosecutor General and his senior staff, the investigating judges assigned to the cases, as well as with the liaison officer appointed by the Internal Security Forces. The Commission has continued to share with the competent Lebanese judicial authorities all relevant documentary, testimonial and physical information obtained in the course of its investigation, including information relevant to individuals who are detained and the assessment of the credibility of witnesses. The Commission is grateful to the Lebanese authorities for the outstanding support and work undertaken, especially considering the particularly difficult circumstances that marked the reporting period.

The Commission requires the assistance and full support of States on technical, legal and judicial matters relevant to the investigation. Between 15 June and 15 September 2006, a total of 39 new formal requests for assistance were sent to 12 different Member States and international institutions. Most

Member States responded in a positive and prompt manner to the Commission's requests, providing forensic technical assistance, technological support and tracking and analysis of telephone communications and facilitating witness interviews.

Pursuant to the common understanding reached between the Commission and the Syrian Arab Republic earlier in the year, Syria's cooperation with the Commission has continued to be timely and efficient. During the reporting period, the Commission submitted 11 formal requests for assistance to Syria, seeking information and documentation about certain individuals and groups. Syria also provided documentation relating to experiments it conducted concerning the properties and impact of various controlled explosions. Follow-up meetings have taken place with experts from the Commission to discuss these experiments. The level of assistance provided by Syria during the reporting period remains generally satisfactory.

The Commission is satisfied with the progress made so far in the investigations and will continue to obtain the best possible results throughout the next reporting period and until the end of the current mandate in June 2007. These results can be achieved only with the continued support of all States. In this context, three areas are of particular importance.

The first area is requests for assistance. During the last six months, more than 70 requests were sent to States for their assistance, and the Commission anticipates sending more such requests. Timeliness of answers by States remains of paramount importance, especially in light of the time constraints the Commission faces.

The second area is witness protection. Witness protection measures are crucial to the further development of the investigations. The Commission is putting in place such mechanisms in order to allow more individuals with appropriate knowledge to step forward and assist it in this sensitive area of its work.

The third area of particular importance is resources. Strengthening the Commission's institutional capacity is critical. Recruiting and retaining competent personnel remains a concern, as this affects the Commission's ability to fulfil its mandate in a timely manner. The Commission trusts that the Security Council and all States will continue to support it in managing these and other challenges.

The President: I shall now give the floor to the representative of Lebanon.

Ms. Ziade (Lebanon) (*spoke in Arabic*): We come to the Security Council once again to debate the report of the International Independent Investigation Commission (IIIC) on the assassination of the martyred Prime Minister Rafik Hariri. We must renew our thanks and appreciation to the Council for having so closely followed this question since the first days following the major earthquake of the assassination of the late Prime Minister Rafik Hariri.

Allow me to express our thanks also to the IIIC, to its Commissioner and its members. We commend their tireless efforts and their perseverance. Allow me to pay special tribute to Mr. Serge Brammertz, who enjoys wide respect and appreciation.

We believe that the report before us reflects professional, precise work. We welcome the progress on the various aspects of the investigation into the assassination of Mr. Hariri, as well as the other crimes within the Commission's terms of reference. We hope that progress in the investigation will continue and that cooperation with all relevant parties will strengthen and improve.

With the continuing investigation, the Government of Lebanon, in cooperation with the Under-Secretary-General for Legal Affairs, Mr. Nicolas Michel, and his assistants, is working to set up a court with an international character, which we hope will find support and assistance from the Council. The idea of such a court enjoys firm and wide unanimity in Lebanon and is of utmost importance to the Lebanese people. Lebanon hopes that it will no longer be a place for political assassination, a situation that we have long suffered.

Finally, I should like to renew our thanks to Mr. Brammertz and his assistants. We stress that just as Lebanon was able, with the help of the Council, to rid itself of Israeli aggression, it will continue to insist on the complete uncovering of the truth of this major crime of the killing of Prime Minister Hariri and his companions, as well as crimes before and following that assassination. The prosecution of those implicated in the assassination of the late Prime Minister in a court with an international character is desirable. We rely once again on the will and insistence of our people as expressed in its Government and on the Security Council and all those who uphold justice in the world.

The President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): At the outset, allow me to congratulate you, Mr. President, on the manner with which you have steered the work of the Security Council this month, including your sincere efforts that led to the holding of a ministerial-level meeting on the Arab initiative to revive the peace process in the Middle East. There is a need to revive the peace process in the Middle East because of Israel's refusal to implement resolutions of international legitimacy.

I would like to welcome among us Mr. Serge Brammertz, Commissioner of the International Independent Investigation Commission, who has just presented his third periodic report. We have taken note of the contents of Mr. Brammertz's procedural report, as well as his working methods, professionalism and expertise.

The report refers to the significant and positive milestones represented by Syria's efforts to fulfil its obligations and to continue to cooperate with the Commission in an effective manner on all levels. Syria continues to respond to every demand of the Commission, providing all the information it needs in a timely manner according to the deadlines agreed between the two parties. That fact was emphasized in the statement we have just heard from Mr. Brammertz.

I would once again like to reaffirm that the cooperation of the Syrian Arab Republic with the Investigation Commission is based on my country's keen desire to help to find the truth in the crime of the assassination of Rafik Hariri, former Prime Minister of Lebanon, as well as to determine the parties responsible.

The report before the Security Council includes a periodic explanation and description of the technical aspects on which the Commission is working within its competence, whether in terms of the scene of the crime or the alleged tools utilized in the crime. We hope that the investigation, which is based on the two previous periodic reports, will reveal the real perpetrators of this crime.

In that context, we repeat what we have said on previous occasions, that one of the most dangerous things faced by the investigation is the ongoing exploitation by some parties, within or outside our region, of what is in the investigation to jump to premature conclusions not based on any evidence or clear proof. The same is true with regard to the attempt by some parties to provide uncorroborated information to be used for purposes different from the real purpose for which the Commission was established. For those parties, one such purpose is to continue to pressure my country. I wish to underscore that the report continues to point out that, as regards uncovering the truth, the Commission will still have to make great efforts before it reaches a final conclusion.

Allow me to address briefly some of the points contained in the report before the Security Council, without going into the report's substantive details, in order not to interfere with the investigation. We in Syria believe that it is important that the investigation be independent, impartial, objective and free from any political influence or interference.

First, the report noted that Syria's cooperation with the Commission was satisfactory and effective. Mr. Brammertz has just reaffirmed that once again before the Security Council. In that connection, we would like to state that Syria continues to cooperate fully with the International Independent Investigation Commission, and has done so since the Commission began its work. Syria had hoped that the report would have pointed to the extent of other States' cooperation with the Commission.

We would like to emphasize that the ad hoc judicial commission established in Syria oversees coordination and cooperation with the International Independent Investigation Commission and responds to all the Commission's requests for assistance. The accuracy and clarity of the requests made to Syria's ad hoc commission has enabled it to continue to provide the International Independent investigation Commission with information in record time.

Secondly, in the context of cooperation between Syria and the International Independent Investigation Commission, the report refers to Syria's response to the Commission's requests for information and documents. The report also points out that Syria has provided timely assistance to the Commission, and refers to the satisfactory timeliness in which Syria has responded to the Commission's requests for setting up interviews with witnesses and for putting in place security and administrative measures needed to conduct those interviews.

Thirdly, Syria has taken note of the importance that the Commission attaches to exploring new hypotheses as to the way the assassination of the late Mr. Hariri was committed. Syria would like to underscore the importance of scrutinizing all evidence accurately and carefully and in a way that adheres to international criminal investigative procedures and criteria. That is especially so with regard to evaluating false testimonies previously presented by witnesses before the International Independent Investigation Commission for well-known political purposes. Those who are providing such testimonies should come before legal authorities for misleading the legal process and be ordered to reveal the political groups or persons who forced them to give false testimony.

Fourthly, Syria has noted that the Commission has made great efforts, as part of its expanded mandate, to investigate terrorist crimes committed in Lebanon since 1 October 2004. In that regard, we wish to point out that many people, in Lebanon in particular and in the region in general, would have expected the Security Council to attach similar importance to the war crimes and crimes against humanity perpetrated recently, namely Israel's bombardment of Lebanon, given that the evidence is clear and the persons responsible are well known to all.

We believe that it is important that the Investigation Commission also focus on the crime of the assassination of the two Majzoub brothers, so as to clarify the relationship between that and other crimes. We would point to the statement distributed by the Permanent Mission of Lebanon to the United Nations on 21 June 2006, which stated that the terrorist group that carried out the assassination of the two Majzoub brothers on 26 May 2006, as well as other terrorist groups, were working for the Israeli Mossad. That statement also said that the group had carried out exercises in and outside of Israel. We hope that the Commission's mandate will include that and similar terrorist crimes.

Fifthly, we note with satisfaction that the principle of secrecy in the investigation continues to be upheld in a professional manner. We welcome that professionalism and hope that it will continue.

In conclusion, Syria believes that we should give the investigation the time and resources necessary to allow it to pursue its work and to uncover genuine evidence quite independently from politicization, false hypotheses and all interpretations irrelevant to the true investigation. We stress yet again that Syria will continue to cooperate actively, through its ad hoc judicial committee, with the International Independent Investigation Commission and to provide it with all the information at its disposal and the results of its own investigations concerning the assassination of the late Rafik Hariri.

We reaffirm once again that Syria — eager in its own core interests to continue uncovering the truth — is fully committed to cooperating so long as the international investigation is pursued professionally and expertly.

The President: In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.45 a.m.